

United States District CourtWestern DISTRICT OF Texas**FILED**

AUG 23 2006

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY CLERK

UNITED STATES OF AMERICA

V.

Carlos Alfredo PEREZ**CRIMINAL COMPLAINT**

CASE NUMBER:

06-M-4107 G

I, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 22, 2006 in El Paso county, in the Western District of Texas defendant(s) did, knowingly and intentionally possess with the intent to distribute, approximately 125.1 (gross weight) pounds of marijuana, a Schedule I Controlled Substance; and did knowingly and intentionally import into the United States from the Republic of Mexico, approximately 125.1 pounds (gross weight) of marijuana, a Schedule I Controlled Substance in violation of Title 21 United States Code, Section(s) 841(a)(1) and 952(a).

I further state that I am an U.S. Immigration and Customs Enforcement Special Agent and that this complaint is based on the following facts:

See Attached AffidavitContinued on the attached and made a part hereof: X Yes No[Signature]

Signature of Complainant

Daniel Mier, Senior Special Agent

Sworn to before me and subscribed in my presence,

August 23, 2006

Date

at El Paso, Texas

City and State

[Signature]

Signature of Judicial Officer

Norbert J. Garney, U.S. Magistrate Judge

Name & Title of Judicial Officer

Affidavit

On August 22, 2006, during pre-primary inspection Customs and Border Protection Officer (CBPO) Mario Holguin noticed a 1997 Dodge Intrepid bearing Texas license plate 198 NSN, abruptly change lanes from lane four to lane one. The driver and sole occupant of the vehicle was later identified as Carlos Alfredo PEREZ. CBPO Holguin approached the vehicle and received a negative declaration from PEREZ. CBPO Holguin asked for a form of identification. At this time CBP Supervisory Officer (CBPSO) Joseph Ledesma approached the driver side of the vehicle. When PEREZ presented his Texas identification card, he gave it to CBPSO Ledesma instead of CBP Holguin. As PEREZ held out his hand, CBPO Holguin noticed his hand was shaking and noticed that PEREZ was avoiding eye contact.

As CBPSO Ledesma questioned PEREZ, he also noticed that PEREZ would not make eye contact and began to grip the steering wheel tightly. CBPO Holguin then proceeded to inspect the dashboard of the vehicle utilizing a density meter and received unusually high readings. CBPO Holguin then pulled the vent cover of the dashboard and discovered plastic wrapped bundles. CBPO Holguin then requested a canine inspection of the vehicle. Canine Enforcement Officer (CEO) William Pitzer and his canine "Trooper" (CD-67) conducted the inspection of the car. "Trooper" gave a positive alert to narcotic odor emitting from the rear bumper by scratching.

Further inspection of the vehicle revealed 115 bundles of a green-leafy substance that field-tested positive for marijuana. The bundles of marijuana were concealed in the rear bumper, dash, and back seat. The marijuana weighed approximately 125.1 pounds.

After arriving at the port of entry, Special Agent (SA) Jesus Anchondo and Senior Special Agent (SA) Daniel Mier were briefed by the officers involved in the marijuana seizure. SA Anchondo proceeded to advise PEREZ of his Miranda Warnings in the English language. PEREZ acknowledged that he understood the warnings and agreed to be interviewed without the presence of an attorney.

During the interview, PEREZ stated that he knew the car he was driving contained marijuana. PEREZ stated he did not know the amount or location of the marijuana. When asked about how much he was going to get paid, he stated he was not going to get paid. PEREZ stated that he was involved in a fight approximately five months ago with a Hispanic male known only as "Jesus." "Jesus" and some of his associates threatened PEREZ by placing a gun to his head and forcing him to smuggle the marijuana into the United States. PEREZ stated that he was supposed to drive the drug-laden vehicle to the phone booths at the end of the bridge. He was told to look for a black in color Ford truck. The occupants of the truck would then take possession of the car. PEREZ was to pick up the car in Juarez, Mexico the next day (August 23, 2006). PEREZ stated that if he would have been successful, he and the drug smugglers would have been even.

PEREZ stated this was his first smuggling attempt. PEREZ provided a voluntary written statement detailing this smuggling attempt.